

A Resolution

IN SUPPORT OF THE APPLICATION OF ENTACT, LLC TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR A MUNICIPAL SETTING DESIGNATION AT 1100 EVERMAN PARKWAY, FORT WORTH, TEXAS

NO. 3923-09-2010

WHEREAS, ENTACT, LLC, (Applicant) has filed an application for support of a resolution seeking a Municipal Setting Designation for 1100 Everman Parkway, Fort Worth, Texas, the metes and bounds description being attached hereto as Exhibit "A" (Site), and map of same being attached hereto as Exhibit "B" (Site Map), to the Texas Commission on Environmental Quality; and

WHEREAS, a public meeting on the application for support was held in Fort Worth on September 15, 2010 and a public hearing was held in Fort Worth on September 28, 2010, and the affected community was duly notified of same and allowed the opportunity to comment; and

WHEREAS, an approved public drinking water supply system exists that supplies or is capable of supplying drinking water to the Site and to locations within one-half mile of the Site; and

WHEREAS, Applicant has filed documentation with the city stating that contaminants identified within the designated groundwater, associated with historical uses of the Site, that have been detected in concentrations exceeding residential assessment levels for potable use include 1,1-dichloroethylene; 1,2-dichloroethylene-cis; trichloroethylene; tetrachloroethylene; and vinyl chloride; and

WHEREAS, Applicant has further filed documentation with the city stating that this contamination is contained within the shallow, perched groundwater beneath the Site; and

WHEREAS, the City of Fort Worth, by ordinance, shall, upon adoption of this ordinance, prohibit the use of designated groundwater beneath the Site for potable purposes as well as for irrigation; and

WHEREAS, upon passage of this supporting resolution by the City Council, Applicant intends to file an application with the Texas Commission on Environmental Quality for certification of a Municipal Setting Designation for the Site pursuant to Texas Health and Safety Code, Chapter 361, Subchapter W; and

WHEREAS, Applicant has continuing obligations to satisfy applicable statutory and regulatory provisions concerning groundwater contamination investigation and response actions at the Site; and

WHEREAS, the certification of a Municipal Setting Designation for the Site is in the best interests of the community.



RESOLUTION NO. 3923-09-2010

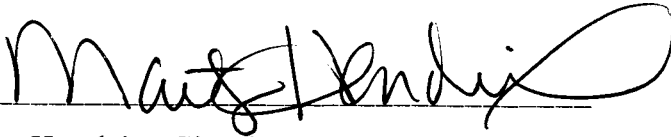
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:

That the City of Fort Worth City Council supports Applicant's request to the Texas Commission on Environmental Quality for a Municipal Setting Designation of the Site described in Exhibit A and B.

Adopted this 28th day of September 2009.

ATTEST:

By:



Marty Hendrix, City Secretary

APPROVED
CITY COUNCIL

SEP 28 2010


City Secretary of the
City of Fort Worth, Texas

FORT WORTH

EXHIBIT A

Lot 1R1, Block 1, GEARHART-OWEN INDUSTRIAL ADDITION to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 11882, Plat Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a set 1/2" steel rod at the northerly northwest corner of said Lot 1R1, Block 1, in the south right-of-way line of Everman Parkway, a 120 feet wide public street, said point also being the northeast corner of Lot A-R, Block 1-R, Everman National Bank Addition to the City of Fort Worth, Tarrant County, Texas, according to the plat recorded in Volume 388-113, Page 297 of said Plat Records;

THENCE along the south right-of-way line of said Everman Parkway and the north line of said Lot 1R1, Block 1, the following three (3) calls:

North 89°52'00" East (Basis of Bearings), 397.64 feet to a set 1/2" steel rod at the beginning of a curve to the right;

Along said curve having a radius of 2200.00 feet, through a central angle of 07°03'00", an arc length of 270.70 feet (long chord bears South 86°36'00" East, 270.53 feet) to a set 1/2" steel rod at a point of reverse curvature;

Along a curve to the left with a radius of 1670.00 feet, through a central angle of 03°12'43", an arc length of 93.62 feet (long chord bears South 84°41'19" East, 93.61 feet) to a found "Y" cut in concrete at the northeast corner of said Lot 1R1, Block 1;

THENCE South along the east line of said Lot 1R1, Block 1 and along the west line of a railroad siding, 738.06 feet to a found 1/2" steel rod at an angle point in the east line of said Lot 1R1, Block 1;

THENCE South 00°04'00" West, continuing along the east line of said Lot 1R1, Block 1, 534.00 feet to the southeast corner of said Lot 1 R1, Block 1;

THENCE along the south line of said Lot 1 R, Block 1 the following five (5) calls:

South 89°55'00" West, 200.00 feet to a set 1/2" steel rod;

South 00°04'00" West, 1.00 feet to a point;

South 89°55'00" West, 245.66 feet to a point;

North 00°05'00" West, 16.00 feet to a point;

South 89°55'00" West, 141.30 feet to the westerly southwest corner of said Lot 1R1, Block 1;

THENCE along the west line of said Lot 1R1, Block 1 the following eleven (11) calls:

North 00°04'00" East, 478.00 feet to a point;

North 89°56'00" West, 99.85 feet to a point;

North, 40.79 feet to a point;

West, 74.00 feet to a point;

North, 80.00 feet to a point;

West, 370.10 feet to a point in the east right-of-way line of Interstate Highway No. I-35W;

North along the east right-of-way line of said Interstate Highway No. I-35W, 347.89 feet to a set 1/2" steel rod;

North 89°52'00" East, 313.10 feet to an "X" found in concrete;

North, 105.00 feet to an "X" found in concrete;

North 89°52'00" East, 57.00 feet to a set 1/2" steel rod;

North, 229.00 feet to the Point of Beginning, and containing 23.5951 acres (1,027,801 square feet of land, more or less.



[illegible]

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Miles

FORT WORTH

base map: CITY OF FORT WORTH GEOGRAPHIC INFORMATION SYSTEM
2009 NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS ORTHOPHOTOGRAPHY



City of Fort Worth, Texas
Mayor and Council Communication

COUNCIL ACTION: Approved on 9/28/2010 - Res. No. 3923-09-2010 & Ord. No. 19379-09-2010

DATE: Tuesday, September 28, 2010

REFERENCE NO.: G-17071

LOG NAME: 52MSD EVERMAN PARKWAY

SUBJECT:

Adopt a Resolution Supporting the Application of ENTACT, LLC for a Municipal Setting Designation for the National Oilwell Varco Property Located at 1100 Everman Parkway, Fort Worth, Texas, to the Texas Commission on Environmental Quality, and Adopt Ordinance Prohibiting the Potable Use of Designated Groundwater from Beneath the Site (COUNCIL DISTRICT 8)

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct a public hearing on the application of ENTACT, LLC for approval of a Municipal Setting Designation for the property located at 1100 Everman Parkway, a 23.6-acre tract, more fully described as Gearhart-Owen Industrial Addition, Lot 1R1, Block 1, Fort Worth, Tarrant County, Texas ("Site"), to allow the public the opportunity to give testimony;
2. Adopt the attached resolution supporting the Applicant's application to the Texas Commission on Environmental Quality (TCEQ) for an MSD for the Site; and
3. Adopt the attached ordinance prohibiting the potable use of designated groundwater from beneath the site.

DISCUSSION:

In 2003, a state law became effective creating the concept of a Municipal Setting Designation (MSD). The purpose of an MSD is to certify properties in order to limit the scope of or eliminate the need for investigation of or response actions addressing contaminant impacts to groundwater that has been restricted from use as potable water by municipal ordinance. A person, typically a developer, must apply to the TCEQ for certification of their property as an MSD. If granted, they will not be required to clean up designated groundwater on their site to drinking water standards, although other cleanup standards such as inhalation and contact must still be met. The application will not be approved by the TCEQ if the municipality where the site is located does not give formal approval. That approval must be by means of a city council resolution supporting the application and an ordinance prohibiting potable use of groundwater in the MSD (potable water is water used for irrigating crops intended for human consumption, drinking, showering, bathing, or cooking purposes).

In January 2005, City Council adopted an ordinance creating a procedure for persons applying to the TCEQ for an MSD, to get support of that application from the City Council. The procedure includes filing an application with the City, staff review of the application for potential impacts to City interests, a public meeting held for the purpose of providing information on the application to the affected community, and a public hearing.

On August 2, 2010, ENTACT, LLC filed an application with the City seeking support of an MSD at 1100 Everman Parkway, Fort Worth, TX.

Staff from the Program Management Office, Environmental Management, Planning and Development, Transportation and Public Works, and Water departments reviewed the application for potential impacts to City interests. No significant concerns were identified. Notice was issued as required by ordinance, and a public meeting was held at Highland Hills Community Center on September 15, 2010. Three representatives of the Applicant and three city staff were present. Six residents of Fort Worth and surrounding cities were in attendance. There were no comments from residents adverse to this application.

The groundwater that is sought to be restricted is shallow, perched groundwater that occurs at depths of seven to (15) feet below the ground surface (bgs). The affected shallow groundwater is underlain by a confining layer of approximately 535 feet in thickness. The affected shallow groundwater is not a designated, recognized major or minor aquifer. The chemicals of concern detected in the designated groundwater include 1,1-dichloroethylene; 1,2-dichloroethylene-cis; trichloroethylene; tetrachloroethylene; and vinyl chloride.

The Fort Worth Water Department provides water service to all existing residential and commercial/industrial properties within the City limits of the City of Fort Worth, within ½ mile of the MSD boundary. All undeveloped properties (within the City Limits of the City of Fort Worth) within ½ mile of the site are eligible to receive water service from the Fort Worth Water Department in accordance with the Texas Water Service Certificate of Convenience and Necessity (CCN) No. 12311 (City of Fort Worth) and the City of Fort Worth Policy for the Installation of Community Services. There are no other cities within ½ mile of the MSD boundary.

The site is located in COUNCIL DISTRICT 8.

FISCAL INFORMATION / CERTIFICATION:

The Financial Management Services Director certifies that this action will have no material effect on City funds.

FUND CENTERS:

TO Fund/Account/Centers

FROM Fund/Account/Centers

CERTIFICATIONS:

Submitted for City Manager's Office by:

Fernando Costa (6122)

Originating Department Head:

Brian Boerner (6647)

Additional Information Contact:

Michael Gange (6569)